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5 Attorneys for Defendants
6 SIGNATURE FLIGHT SUPPORT CORPORATION;
7 BBA AVIATION SHARED SERVICES, INC.;
8 BBA GROUP U.S. HOLDINGS, INC.; STEVE TRUE;
9 DENNIS SMITH; VAL VADEN

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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 DONALD HAMILTON, an individual;
13 BOBBY JONES, an individual; DAMON
14 BARRON SMITH, an individual; ALJARICE
15 SANDERS, an individual; and on behalf of
16 themselves and other similarly situated;

17 Plaintiffs,

18 v.
19 SIGNATURE FLIGHT SUPPORT
20 CORPORATION, a Delaware corporation;
BBA AVIATION SHARED SERVICES,
INC., a Florida corporation; BBA GROUP US
HOLDINGS INC., a Massachusetts
corporation; STEVE TRUE, an individual;
NORMAN RAMIREZ, an individual;
DENNIS SMITH, an individual; VAL
VADEN, an individual; and DOES 1-100;

21 Defendants.

22 Case No. C 05 00490 CW

23
24 DECLARATION OF STEVEN J. TRUE
25 IN SUPPORT OF MOTION FOR
26 PARTIAL SUMMARY JUDGMENT ON
27 THE PROMOTION CLAIMS OF
28 PLAINTIFF DONALD HAMILTON

Date: January 6, 2006
Time: 10:00 a.m.
Courtroom: 2

Trial Date: None

29
30 I, Steven J. True, hereby declare and state:

31 1. I am a named defendant in this action and a current employee of Signature
32 Flight Support Corporation ("Signature Flight" or the "Company"). My title is Area General
33 Manager of the Signature Flight FBO facility ("FBO") at San Francisco, California. At all relevant
34

1 times, I have been the General Manager for the San Francisco FBO . I make this declaration based
2 upon personal knowledge and, if called as a witness, could competently testify thereto.

3 2. San Francisco International Airport ("Airport") services commercial airlines
4 as well as general aviation aircraft, namely private and corporate aircraft. The latter do not utilize
5 the Airport's commercial terminals. Instead, they arrive to and leave from a private FBO facility
6 located at the Airport. The Airport contracts with Signature Flight to operate this private terminal at
7 which Signature Flight provides fueling, customer service, and ground handling support to private
8 and corporate aircraft. Signature Flight has similar operations at 46 airports within the United
9 States.

10 3. Effective March 4, 1999, Signature Flight commenced operating the private
11 FBO at San Francisco International Airport, having assumed these operations in Signature Flight's
12 acquisition of AMR Combs, and its fixed base operations. As a consequence, on March 4, 1999,
13 former employees of AMR Combs became employees of Signature Flight, including Plaintiff
14 Hamilton, Norman Ramirez, and me.

15 4. I have worked for different employers at the private FBO at San Francisco's
16 Airport since 1965. In 1989, while employed by Butler Aviation, I became the General Manager of
17 the FBO facility, a position I subsequently continued to hold with different employers. I held this
18 position on and after March 4, 1999 when Signature Flight acquired AMR Combs. On December 9,
19 2002, I assumed the position of Area General Manager with responsibility for Signature Flight's San
20 Francisco, Santa Barbara, and Orange County, California airport FBO operations.

21 5. Within Signature Flight's San Francisco FBO operations, I have ultimate
22 supervisory responsibility for all employees within its operations. Since 1989, I have made all final
23 decisions to hire, promote, discipline, and demote employees. Since March 4, 1999, when Signature
24 Flight assumed the FBO operations, with respect to employee terminations I have obtained
25 concurrence for such actions from corporate human resources personnel. I have made all final
26 decisions as to employee compensation. Since December 9, 2002, I have had the same
27 responsibilities and authority for the Company's Santa Barbara and Orange County, California
28 airport FBO operations.

1 6. Norman Ramirez is a named defendant in this action and no longer is
2 employed by Signature Flight. Mr. Ramirez was initially employed at AMR Combs on April 8,
3 1996, before Plaintiff Hamilton was hired. While employed by AMR Combs, Mr. Ramirez was
4 promoted to Operations Supervisor, the position he held when Signature Flight acquired the San
5 Francisco operations through the acquisition of AMR Combs. On April 1, 2002, Mr. Ramirez
6 became the HSE&T Supervisor, followed by becoming the Customer Service Manager on August 1,
7 2002. Mr. Ramirez became Operations Manager on March 24, 2003. That position had been posted
8 internally within the San Francisco FBO facility seeking employee applications. He held that
9 position until his resignation from the Company on December 14, 2004.

10 7. The business of Signature Flight at San Francisco Airport is open seven days a
11 week, 24 hours a day. The operation, with respect to public contact, is divided into two principal
12 segments - ramp operations and customer service. Ramp operations or services utilize employees in
13 servicing and fueling aircraft. Customer service operations involve employees providing a variety of
14 services to customers such as payment for services, baggage handling, cleaning aircraft, arranging
15 rental cars, hotels, etc.

16 8. Line Service Technicians service and fuel aircraft. Next in the hierarchy of
17 supervision, is the Lead Line Service Technician. Next in supervision is the Operations Supervisor.
18 The position of Operations Supervisor has at times been titled General Aviation Supervisor or Line
19 Service Technician Supervisor. Operations Supervisor will be used in this declaration so as to avoid
20 confusion. There is not now, and there has not always been, a Lead Line Service Technician or
21 Operations Supervisor on every employee shift.

22 9. Customer service functions are performed by Customer Service
23 Representatives. Next in the hierarchy of supervision is the Lead Customer Service Representative
24 and above that position, is a Customer Service Representative Supervisor or Manager. There is not
25 now, and there has not always been, a Lead Customer Service Representative on every shift. Only
26 one Customer Service Supervisor or Manager oversees the customer service operations.

1 10. Supervising the Operations Supervisor and Customer Service Supervisor or
2 Manager are the Operations Manager, Assistant General Manager, and General Manager. These
3 latter positions generally have responsibility for all FBO operations.

4 11. Since March 4, 1999 there have been two Operations Managers, Ken Foster
5 and Norman Ramirez. Mr. Foster held the position from May 15, 1999 until his resignation from the
6 Company on November 16, 2002. Mr. Ramirez held the position from March 24, 2003 until his
7 resignation on December 14, 2004. After Mr. Ramirez' resignation, the Company, for financial
8 reasons, made the decision not to fill the Operations Manager position, but to use the Assistant
9 General Manger position to cover the responsibilities of the Operations Managers. Plaintiffs never
10 applied for the Operations Managers positions to which Mr. Foster and Mr. Ramirez were promoted.

11 12. The Assistant General Manager position was created in December 2004 with
12 the external hire of Mike Perry. The position was posted internally at the San Francisco FBO
13 facility. It was also advertised externally as an employment opportunity in California and Nevada.
14 No Plaintiff applied for the position. Aside from Mr. Perry, another applicant was Devin Madgett,
15 an African-American. Finding that both Mr. Perry and Mr. Madgett would be assets to the
16 Company, I offered the San Francisco Assistant General Manager position to Mr. Perry. On my
17 recommendation, Mr. Madgett was offered the Assistant General Manager's position in the
18 Company's Las Vegas FBO. Mr. Perry began his employment with the Company on December 20,
19 2004, and remains employed at the San Francisco FBO as Assistant General Manager. Mr. Madgett
20 was employed as the Assistant General Manager in Las Vegas on January 10, 2005. Effective
21 March 21, 2005, I concurred in Mr. Madgett's transfer to the Company's Santa Barbara FBO as
22 Assistant General Manager. Effective June 3, 2005, I promoted Mr. Madgett to General Manager at
23 that same location.

24 13. In addition to the above, other support positions also exist or have existed
25 within the San Francisco FBO, including Accounting Manager and Clerk, Facilities Maintenance
26 Manager and Technician, GSE Mechanic, HSE&T Supervisor, Manager, Human Resources
27 Manager, Monitoring Agent, Driver, and Valet. However, the majority of employees within the San
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1 Francisco FBO workforce are employed as Line Service Technicians, Customer Service
2 Representatives, and the respective Lead positions for these classifications.

3 14. Signature Flight's policy is to post internally open employment positions that
4 it seeks to fill. The employment position, and a position description with its qualifications, is posted
5 with a deadline for employee applications. Those employees who apply are considered for the
6 position with the promotion selection being made by me or with my final approval. On occasion,
7 formerly occupied employment positions have not been posted when decisions have been made for a
8 variety of reasons. These reasons could include economic, a decision not to fill that position, a
9 decision to abolish the position, or a move of that vacant position to a different shift.

10 15. Before Plaintiff Hamilton became a full-time employee on January 3, 1997,
11 Cliff Taylor, an African-American, was already working for AMR Combs. I made the decision to
12 hire Mr. Taylor, and later I also promoted him to Lead Line Service Technician, the position he
13 occupied when I hired Plaintiff Hamilton. Subsequently, approximately 11 months after the hire of
14 Plaintiff Hamilton, I again promoted Mr. Taylor to Operations Supervisor on December 1, 1997.
15 Mr. Taylor currently remains employed by Signature Flight in this position.

16 16. At the time Signature Flight acquired San Francisco FBO from AMR Combs
17 on March 4, 1999, the Company continued to employ the existing employees of AMR Combs.
18 Included within the group of AMR Combs employees Signature Flight continued to employer were
19 Plaintiff Hamilton and Mr. Taylor, another African-American. Another employee of AMR Combs
20 that was retained by the Company was Rochelle Scott. I have always considered Ms. Scott to be
21 African-American. I hired Ms. Scott on January 12, 1998, after I hired Plaintiff Hamilton, in the
22 position of Customer Service Representative. I subsequently promoted her to Lead Customer
23 Service Representative and then to Customer Service Supervisor.

24 17. During 1999, while no African-Americans left the employment of Signature
25 Flight, three African-Americans were hired with my approval. On June 30, 1999, approximately
26 three months after Signature Flight acquired AMR Combs , Plaintiff Jones was hired as a Driver at
27 the Signature Flight San Francisco FBO operation. About three months later, on September 3, 1999,
28 Gerald Green was hired as a Customer Service Representative at the San Francisco operation.

1 Approximately three months later, on December 8, 1999, Plaintiff Barron-Smith was hired as a Line
2 Service Technician. I authorized the hire of each of these persons.

3 18. Less than two months after his initial hire, effective August 23, 1999 I
4 authorized the promotion Plaintiff Jones from Driver to Customer Service Representative. With that
5 promotion, Mr. Jones received an increase in pay.

6 19. During 2000, there were 19 voluntary or involuntary terminations. None of
7 them was African-American. During this same year there were 23 newly hired or transferred
8 employees, two of whom were African-Americans. On August 21, 2000 and November 13, 2000, I
9 approved the hiring of Samantha Scott as a Customer Service Representative and Kareem Mayo as a
10 Line Service Technician. Both Ms. Scott and Mr. Mayo are African-American. Mr. Mayo later
11 transferred from Line Service Technician to Customer Service Representative on January 25, 2001.

12 20. On January 1, 2000, I promoted Rochelle Scott, an African-American, from
13 Customer Service Representative to Lead Customer Service Representative. At the time of her
14 promotion, Ms. Scott was one of 12 customer service representatives. Aside from Bobby Jones and
15 Ms. Scott, the others were not African-American. Of those 12 Customer Service representatives,
16 Lisa Raney, Patricia Sloane, and Cheryll Gonzales, had been employed by the Company longer than
17 Ms. Scott, but did not receive the Lead position. With her promotion, Ms. Scott became one of three
18 Lead Customer Service Representatives.

19 21. As indicated above, after her promotion, Rochelle Scott was one of three Lead
20 Customer Service Representatives. Of the other 11 customer service representatives, Falakiko Katoa
21 and Marina Caasi, was not African-American, and had been employed and been a Lead Customer
22 Service Representative longer than Ms. Scott. Notwithstanding, on February 7, 2000, just slightly
23 over two months since her promotion to Lead Customer Service Representative, I again promoted
24 Ms. Scott to the position of Customer Service Supervisor. Ms. Scott replaced Anna Chamizo in this
25 position who was not African-American. Within the San Francisco FBO operations, Signature
26 Flight only employs one person in the Customer Service Supervisor position. That position is
27 responsible for all customer service operations and all employees in the Customer Service
28 Representative and Lead Customer Service Representative positions.

1 22. During 2001, 18 employees, including two African-Americans, left the
2 employment of Signature Flight while 13 employees were newly hired. Samantha Scott and Kareem
3 Mayo both voluntarily resigned their positions during this year. Of those hired, I approved the
4 employment of Audrey Sims and David Cathey, both African-Americans. Ms. Sims was hired as a
5 Customer Service Representative, and Mr. Cathey as a Line Service Technician.

6 23. On August 25, 2001, I promoted Plaintiff Jones from Customer Service
7 Representative to Lead Customer Service Representative. Mr. Jones replaced Robert Jenkins in that
8 position, an employee who was not an African-American. Further, at the time of his promotion,
9 Mr. Jones was one of 10 Lead Customer Service Representatives, three of whom, John Ondo, Rikke
10 Gatt, and Adriana Cisneros, had been employed longer than Mr. Jones and were not African-
11 American. On a simple seniority basis, although promotions are not made on the basis of seniority,
12 by his promotion of Mr. Jones was promoted over these individuals with higher seniority.

13 24. In 2002, and up to January 13, 2003, the date Plaintiff Hamilton was promoted
14 to Operations Supervisor, 17 employees left Signature Flight's employment. Four were African-
15 American - Audry Sims, David Cathy, and Nickolas Jenkins were terminated for violation of
16 Company policies, and Rochelle Scott who was laid off due to the elimination of her position.
17 During the same time period, two other employees, Brian Bush and Erik Schiffke, were similarly
18 involuntarily terminated and two others, Alfredo Cortez and Jacinto Estrella, laid off due to position
19 eliminations. During the same time period, 18 new employees were hired with my approval,
20 including two African-Americans. On June 19, 2002, Nicholas Jenkins and Plaintiff Sanders were
21 both hired as Customer Service Representatives.

22 25. A friend of mine, Larry Higgins, referred Plaintiff Sanders to me for
23 employment. Mr. Higgins is African-American, and works at the San Francisco International
24 Airport - not with Signature Flight. I have known Mr. Higgins between eight and ten years. After
25 speaking with Mr. Higgins about Ms. Sanders, I interviewed her. As a result of that interview and
26 her employment application, I learned that Ms. Sanders had a previous criminal conviction for a
27 weapons charge. With this knowledge I made the decision to hire Ms. Sanders.

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1 26. As indicated above, I made the decision to hire Plaintiff Hamilton at AMR
2 Combs. On January 3, 1997, Plaintiff Hamilton became a full-time employee in the position of Line
3 Service Technician. Approximately three months after Signature Flight acquired AMR Combs,
4 effective June 6, 1999, I promoted Plaintiff Hamilton to Lead Line Service Technician on the
5 "graveyard shift." At the time of his promotion, Plaintiff Hamilton was working the "graveyard
6 shift." This was a newly created position, which had not existed previously. When Plaintiff
7 Hamilton was promoted to Lead Line Service Technician, there were 20 other Line Service
8 Technicians of whom only Plaintiff Hamilton was African-American. Four of these Line Service
9 Technicians, Andrew Ramos, Kelly Lin, Jacinto Estrella, and Dhirendra Sundar, had been employed
10 longer than Plaintiff Hamilton. The latter individuals with more seniority were passed over by this
11 promotion of Plaintiff Hamilton (as stated above, seniority is not the basis upon which promotion
12 decisions are made). With the creation of the new Lead Line Service Technician position, and
13 promotion of Plaintiff Hamilton to it, Signature Flight then employed five Lead Line Service
14 Technicians.

15 27. Some time after his promotion to Lead Line Service Technician, but before
16 September 11, 2001, Plaintiff Hamilton told me that he intended at some point to leave Signature
17 Flight and work for an airline as an aircraft mechanic. After September 11, 2001, Plaintiff Hamilton
18 told me that he had changed his mind and wanted to stay with Signature Flight because the airlines
19 were then no longer hiring mechanics.

20 28. On January 18, 2002, Ravi Satyanarayana was re-employed by Signature
21 Flight in the position of Operations Supervisor, a position that had been vacant and posted internally
22 seeking employee applications. I made this decision. AMR Combs had first employed
23 Mr. Satyanarayana on December 11, 1995. After the acquisition of AMR Combs, he continued to
24 work for Signature Flight until he resigned that employment on July 8, 1999. During the time period
25 that Mr. Satyanarayana worked for both AMR Combs and Signature Flight, he was employed as a
26 Lead Line Service Technician and Operations Supervisor. Because of his satisfactory prior
27 employment record as an Operations Supervisor, and his supervisory and general work experience in
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1 that position, I made the decision to rehire him for the Operations Supervisor position that was
2 vacant in January 2002.

3 29. I selected Ravi Satyanarayana for the Operations Supervisor position in
4 January 2002 over Plaintiff Hamilton, who also applied for that position. Contrary to Plaintiff
5 Hamilton's contention, my decision was made not because Plaintiff Hamilton was African-American
6 or stammered, but because Mr. Satyanarayana had previously worked in the San Francisco FBO as
7 an Operations Supervisor; had significant prior experience in that position; and had performed well
8 in it. Specifically, Mr. Satyanarayana had the experience of supervising and running the Company's
9 ramp operations in San Francisco as a supervisor, which Plaintiff Hamilton did not.

10 30. To my knowledge, the fact that Plaintiff Hamilton stammered on occasion
11 never hindered him or interfered with his work at Signature Flight. Neither Plaintiff Hamilton nor
12 anyone else ever reported to me that he had any work problems because of his stammering. I never
13 observed any such problem. The fact that Plaintiff Hamilton stammered on occasion or that he was
14 African-American was never a factor or consideration in any employment decision I made with
15 respect to Plaintiff Hamilton.

16 31. Effective October 19, 2002, Ravi Satyanarayana was transferred from
17 Operations Supervisor to HSE&T Supervisor. The HSE&T Supervisor position was created by
18 Signature Flight at the San Francisco FBO. The first person to hold that position was Norman
19 Ramirez. He held that position from April 1, 2002 to August 1, 2002. Among the various functions
20 of that position are the monitoring and enforcement of health, safety, and environmental policies and
21 procedures at the FBO, record keeping required with the enforcement of these policies and
22 procedures, as well as providing training with respect to these areas. Prior to the selection of
23 Mr. Satyanarayana to replace Mr. Ramirez, the HSE&T Supervisor position was posted for
24 employee applications. While both Plaintiff Hamilton and Mr. Satyanarayana applied, I selected
25 Mr. Satyanarayana for the position.

26 32. I selected Ravi Satyanarayana for the HSE&T Supervisor position based upon
27 his experience as an Operations Supervisor. The previous occupant of the position, Norman
28 Ramirez, had also been an Operations Supervisor before becoming the HSE&T Supervisor. I

1 selected Mr. Satyanarayana for the position based upon his successfully demonstrated experience as
2 an Operations Supervisor; his supervisory skills; his knowledge in the Company's standard safety
3 procedures; and his strong computer skills necessary for the generation of reports required by the
4 position. The basis for my decision was the foregoing qualifications of Mr. Satyanarayana, not
5 Plaintiff Hamilton's race or stammering. In my opinion Plaintiff Hamilton did not have the same
6 level of qualifications for the position as Mr. Satyanarayana. Subsequently, I promoted Plaintiff
7 Hamilton to the Operations Supervisor position formerly occupied by Mr. Satyanarayana and
8 vacated by him after his transfer to the HSE&T Supervisor position.

9 33. Approximately three months after Ravi Satyanarayana's transfer to the
10 HSE&T Supervisor position, Plaintiff Hamilton applied for the Operations Supervisor position that
11 Mr. Satyanarayana had vacated and which had been posted for employee applications. Brad Haines,
12 who is not African-American, also applied for the position. I made the decision to promote
13 Plaintiff Hamilton to the position. The promotion of Plaintiff Hamilton was effective January 13,
14 2003. With Plaintiff Hamilton's promotion, there were four Operations Supervisors within the San
15 Francisco operation, Gagendra Singh, Daniel Hinton, Cliff Taylor, and Plaintiff Hamilton, the latter
16 two being African-American.

17 34. Plaintiff Hamilton was promoted to Operations Supervisor by me effective
18 January 13, 2003. He attended his first supervisors' meeting two days later on January 15, 2003.
19 During that meeting, and contrary to the allegations of Plaintiff Hamilton, I did not state to the
20 Plaintiff Hamilton, "Don, I'm going to warn you about something. You have two things working
21 against you here: the fact that you are Black, and you have a stammering problem." I did not make
22 any statement during the meeting similar to the foregoing.

23 35. The day before the January 15, 2003 supervisors' meeting, I met with
24 Plaintiff Hamilton and Norman Ramirez welcoming Plaintiff Hamilton to his new position as
25 Operations Supervisor. During the meeting Plaintiff Hamilton, Mr. Ramirez, and I discussed
26 Plaintiff Hamilton's proposed training schedule, various company policies, and procedures for
27 emergencies. Regarding Plaintiff Hamilton's training schedule, I told him that Cliff Taylor would be
28 working with Plaintiff Hamilton as his training supervisor and would continue to work with him

1 until Mr. Taylor felt he was capable of performing independently. After that portion of the meeting,
2 Mr. Ramirez left my office and I asked Plaintiff Hamilton to remain. I then told Plaintiff Hamilton
3 that I was pleased that he was moving forward in the Company and that I would support him in his
4 new position. I then proceeded to counsel him about potential problems that may occur while
5 working in his new position. Specifically, I told Plaintiff Hamilton that there would be times that he
6 would not be able to meet our Company's service standards and consequently pilots might
7 aggressively and verbally confront him. I told Plaintiff Hamilton that I had two things that I thought
8 might be a problem for him if a service issue became volatile with a pilot. One was that he was
9 Black and the other was his stuttering problem. I said to Plaintiff Hamilton that there were not many
10 Black pilots in corporate aviation. Further, that unfortunately there had been incidents when there
11 was a service problem and the pilots involved had made derogatory racial comments toward
12 employees. I advised Plaintiff Hamilton that if this ever happened that he should not engage in any
13 defensive rhetoric with the pilot, but to call me immediately and I would handle the situation.
14 Regarding his stuttering, I said that this could be a positive attribute. I said that customers normally
15 do not remember an employee's names, but do remember some physical feature of an employee. I
16 used myself as an example, that people sometimes did not remember my name, but when referring to
17 me they have said "the tall dark guy with a mustache." After this I asked Plaintiff Hamilton if he
18 had any questions or concerns, to which he replied that he had none.

19 36. Effective May 31, 2003, I demoted Plaintiff Hamilton to a Line Service
20 Technician position because I lost confidence in him due to what I considered to be violations of
21 Company policies. As indicated above, effective December 9, 2002, I had earlier assumed
22 responsibility for the Company's Santa Barbara airport operations. On April 28, 2003, Daniel
23 Harris, who is African-American, was promoted from Lead Line Service Technician to Operations
24 Supervisor at Santa Barbara. Prior to that, I interviewed Mr. Harris for this position and approved
25 his promotion to it. Accordingly, just 32 days before I demoted Plaintiff Hamilton from the
26 Operations Supervisor position in San Francisco, I promoted an African-American, Mr. Harris, to
27 that same employment position in Santa Barbara. On December 8, 2003, I promoted Mr. Harris to
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1 Operations Manager, the position in Santa Barbara that is equivalent to the Operations Manager
2 position Kent Foster and Norman Ramirez held at the San Francisco FBO.

3 37. In response to a job posting, Plaintiff Hamilton applied for an open Operations
4 Supervisor position in September 2004. Effective November 13, 2004, I promoted
5 Plaintiff Hamilton to that position.

6 I declare under penalty of perjury that the foregoing is true and correct. Executed
7 December 1, 2005, at San Francisco, California.



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STEVEN J. TRUE